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SUBJECT: MOHR DISCUSSES AMNESTY LAW, COM DECISIONS

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Classified By: Political Counselor Matt Tueller for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: The Minister of Human Rights Wijdan Salim discussed with PolOff on April 2 the state of amnesty implementation and recent Council of Ministers votes. A Ministry of Human Rights team has been investigating actual releases of detainees under the Amnesty Law and has found that far fewer detainees have been released than the chief prosecutor submits. The Minister claimed that people are being released without proper documentation from the Ministries of Interior and Defense detention facilities, but very few are being released from Ministry of Justice facilities. She said the chief prosecutor is pushing for the release of high-risk detainees who do not qualify under the law for amnesty. The Minister discussed recent votes in the Council of Ministers such as adopting the UN Convention Against Torture and passing, at the Prime Minister's urgent request, the plan to give USD 300 million to Coalition Forces for reconstruction in Iraq. END SUMMARY.

AMNESTY LAW IMPLEMENTATION

¶2. (C) Ministry of Human Rights teams are investigating claims by the chief prosecutor, Judge Ghadanfer al-Jasem, that 13,000 detainees have been released under the Amnesty Law, and 17,000 will be released in total. (Note: According to the Supreme Judicial Council in open source press, 21,033 detainees have been released as of April 3. We have not seen any evidence supporting this number. End Note.) The teams have not found any evidence to substantiate these claims and have evidence of only 302 detainees released from Ministry of Justice (MoJ) facilities, 98 juveniles from Ministry of Labor and Social Affairs (MoLSA) facilities, and only nine women total. (Note: Judge Ghadanfer told ROL coordinator April 3 that the MoJ is refusing to release individuals who have been granted amnesty, and Chief Judge Medhat will investigate this matter. End Note.)

¶3. (C) Wijdan speculated that the majority of the 13,000 claimed by the prosecutor are being released from Ministry of Interior (MoI) and Ministry of Defense (MoD) facilities. She personally investigated this number, asking the head of the MOI documentation office how many documents of released detainees had been submitted. He was only given 44 such documents, which are the original arresting documents with identification information including pictures and fingerprints. Wijdan was angry that the implementation is not following the regulations, which require all releases to be documented to track if any commit crimes within the five-year period after release. The Ministry is working to get a complete list of all releases.

¶4. (C) Minister Wijdan is also holding chief prosecutor Ghadanfer responsible for releasing terrorists and others who do not qualify for amnesty under the law, adding that

Ghadanfer is focused on releasing Sunni detainees. Wijdan gave PolOff a copy of a list of people Ghadanfer had recommended for release at Ft. Suse prison (MoJ), which included two people convicted of willful murder, one convicted of kidnapping and rape, and two sentenced to death on terrorism charges. (Note: Under Article 2 of the Amnesty Law, persons sentenced to death and convicted of willful killing, kidnapping, and rape are to be excluded from the law. End Note.) According to Wijdan, Deputy Minister of Justice Posho did not support Ghadanfer's list, and ordered these people not to be released; they are supposedly still being held. In a separate allegation, Wijdan accused Ghadanfer of refusing to allow the MoHR to transfer those being released to their homes for security concerns and instead is ordering the release of detainees directly out of the prison gates.

COM AGREEMENTS: TORTURE, RECONSTRUCTION, ELECTIONS

15. (C) The Council of Ministers (CoM) on April 1 agreed to adopt the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. This must now go to the Council of Representatives (CoR) for approval. The CoM however refused to agree to Article 20, which allows for a commission, established according to the convention, to investigate allegations of torture against the government. According to Wijdan, the Ministry of Foreign Affairs and the Prime Minister's Legal Department were opposed to Article 20 because other countries have also excepted this article. (Note: This is legal under the convention, as Article 28(1) states: "Each State may, at the time of signature or ratification of the Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20." End Note.) The Ministry of Displacement and Migration wanted to delay adopting the convention due to the cost of paying for victims of torture, and the Ministry of Environment wanted to establish laws

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against torture before adopting the convention. Wijdan emphasized during the meeting that the convention can help push through laws against torture and said the CoM favors introducing new laws and increasing focus on preventing torture.

16. (S) The CoM also agreed to give USD 300 million to Coalition Forces for reconstruction projects in Iraq. She said the Iraqi point of contact for the transfer of funds will be the Higher Reconstruction Council, which is part of the Prime Minister's Office and headed by Haq Al-Hakim. Wijdan voted against this proposal because she disagrees with the choice of Iraqi head of the project, accusing the council of rampant corruption. She said this measure passed on April 1 because Maliki urgently pushed the CoM to adopt the plan. According to Wijdan, the PM wanted to show the USG that he does support the Coalition in light of the timing of his Basra operations right before the April Congressional testimony.

17. (SBU) Wijdan also confirmed that the CoM approved the Independent High Electoral Commission (IHEC) initial request for USD 100 million to fund voter registration activities. She added that the Prime Minister's draft of the elections law will not be re-submitted to the CoM for review before transmission to the CoR.

18. (C) COMMENT: According to Minister Wijdan and USG monitoring, there is great discrepancy between publicly announced figures of releases under the Amnesty Law and actual releases. Implementation of the law does not seem to be uniform around the country, and there are serious allegations of violations under the law, some attributed to a high-level MoJ official. We will follow-up on the list of detainees at Ft. Suse who do not seem to qualify for amnesty. We will also monitor the progress of the Convention Against Torture as it is deliberated in the CoR. END COMMENT.

